amendments until after the back-to-back votes have been taken.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas is recognized.

AMENDMENT NO. 1352 AS MODIFIED

Mr. DOLE. Mr. President, I call up an amendment which I have at the desk, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1352, as modified.

Mr. DOLE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE'S amendment (No. 1352, as modified) is as follows:

On page 24, beginning with line 21, strike out all through page 25, line 2, and insert in lieu thereof the following:

(f) The amendments made by this section shall take effect on January 1, 1977.

Mr. DOLE. Mr. President, very simply, this amendment establishes January 1, 1977, as the effective date for the amendments to the United States Code made by this bill, instead of the 90th day after enactment of the measure.

The substantial and significant changes in the Hatch Act law created by H.R. 8617 will naturally result in confusion and uncertainty in the minds of Federal employees as to what particular types of partisan political activity they may, or may not engage in. It is both impractical and dangerous to implement this drastic alteration of long-established principles in the midst of a campaign period, and only months before a major national election takes place. At best, a good deal of confusion would result among Federal employees regarding permissible political activities. At worst, serious violations of prohibited campaign activity would occur on a wide scale, endangering the careers of Federal employees and the outcome of some elections.

It is important that congressional approval of this bill neither now or later be construed as having an inappropriate impact upon the November 1976 elections. At the same time, it is important that the congressional vote on H.R. 8617 is not in any way influenced by the political pressures of this election year.

To avoid any of these possibilities, it would be far better that the relaxation of limitations on campaign activity by Federal employees be scheduled for implementation in a smooth and orderly fashion next year, rather than in the heat of a charged political atmosphere which will certainly be in evidence during the next several weeks. It would be far more advisable for these major changes in the Hatch Act to become effective in the nonpolitical environment immediately following the elections this fall.

Mr. President, I have no further comments on this particular amendment. I think perhaps Mr. McGEE will return to respond at a later time.

AMENDMENT NO. 1416

Mr. DOLE. Mr. President, I now call up my amendment No. 1416.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE), for himself and Mr. BENTSEN, proposes an amendment numbered 1416.

Mr. DOLE'S amendment (No. 1416) is as follows:

On page 5, line 20, insert "(a)" immediately before "An".

On page 6, between lines 21 and 22, insert the following:

"(b) In addition to the prohibitions of subsection (a), an employee of the Internal Revenue Service, the Justice Department, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate), may not request or receive from, or give to, an employee, a Member of Congress, or an officer of a uniformed service a political contribution.".

On page 7, insert immediately below line 24 the following:

"(c)(1) In addition to the prohibitions of subsection (a), an employee of the Internal Revenue Service, the Justice Department, or the Central Intelligence Agency (except one appointed by the President, by and with the advice and consent of the Senate, who determines policies to be pursued by the United States in the nationwide administration of Federal laws) may not take an active part in political management or political campaigns unless such part—

"(A) is in connection with (i) an election and preceding campaign if none of the candidates is to be nominated or elected at that election as representing a party any of whose candidates for Presidential elector received votes in the last preceding election at which Presidential electors were selected, or (ii) a question which is not specifically identified with a National or State political party or political party of a territory or possession of the United States; or

"(B) is permitted by regulations prescribed by the Civil Service Commission and involves the municipality or political subdivision in which such employee resides, when—

"(i) the municipality or political subdivision is in Maryland or Virginia and in the immediate vicinity of the District of Columbia, or is a municipality in which a majority of voters are employed by the Government of the United States; and

"(ii) the Commission determines that because of special or unusual circumstances which exist in the municipality or political subdivision it is in the domestic interest of the employees to permit political participation.

"(2) For the purpose of this subsection, the phrase 'an active part in political management or in political campaigns' means those acts of political management or political campaigning which were prohibited on the part of employees in the competitive service before July 19, 1940, by the determination of the Civil Service Commission under the rules prescribed by the President.".

Mr. DOLE. Mr. President, this amendment prohibits employees of the Internal Revenue Service, the Central Intelligence Agency, and the Justice Department from giving a political contribution to another employee, a Member of Congress, or an officer of a uniformed service. It also prohibits the employee from requesting or receiving a political contribution from any of these persons.

Also, this amendment prohibits employees of the IRS, the CIA, and the Justice Department from taking an active part in political management or political campaigns, except where nonpartisan candidates or questions are involved, and except where "unusual" circumstances exist—that is, a majority of local voters are Federal employees.

These prohibitions on political activities of employees of the IRS, the CIA, and the Justice Department are in addition to those otherwise imposed upon them under the provisions of H.R. 8617.

The restrictions are no more severe than those now in effect for all Federal employees. Under current law, Federal employees are also prohibited from giving or receiving contributions to or from other Federal employees, Members of Congress, or officers in the uniformed services. These employees can, of course, make financial contributions to a political party or organization, and there is nothing in my amendment which would restrict that right.

This amendment simply extends certain prohibitions currently in effect for employees of these three agencies—as well as for all Federal employees.

Active involvement in partisan political activity by employees of these three agencies significantly increases the potential for abuse of privileged and private information about American citizens, as well as the potential for injecting political considerations into staff promotions and job security. The evident, or assumed, sacrifice of fairness and impartiality in the operations of these agencies would cast a shadow on their reputation, at a time when public faith in intelligence agencies and other Government offices handling private information is already at a low level.

Official representatives of both the Internal Revenue Service and the Justice Department have already informed congressional committees of their objections and opposition to legislation which would revise the present Hatch Act provisions to allow for greater employee involvement in partisan political activity. Furthermore, the Senate Watergate Committee, in its final report, recommended continued strong enforcement of the Hatch Act restrictions on Justice Department officials, as did the report of the Watergate Special Prosecution Force issued in October 1975.

INTERNAL REVENUE SERVICE

We have ample testimony from representatives of the IRS that revision of Hatch Act prohibitions would have a serious detrimental impact on this agency. Donald Alexander, Commissioner of IRS, testified last November that he doubted "either the fact or the appearance of objectivity and nonpartisanship could be achieved" if IRS employees were permitted to manage partisan campaigns or to run for office themselves. "Conflicts of interest, in appearance as well as in fact, must be avoided if public confidence is to be gained and kept," according to Commissioner Alexander. Existing laws against improper use of confidential information are extremely difficult to enforce, according to the Commissioner.

He advised the chairman of the Senate Post Office and Civil Service Committee that the provisions of H.R. 8617 could increase the inclination to violate these laws.

Commissioner Alexander also expressed fear that political preferences would carry over into the office and result in "a return to the spoils system" for hiring and advancement. Recognizing that H.R. 8617 might well be enacted despite these objections, Commissioner Alexander himself suggested an amendment reflecting the same basic content as that which I am offering today, to exclude IRS agents from expanded political involvement.

The alternative would be to permit officials and employees of the IRS to spend their evenings working in political campaigns, at party headquarters, as fundraisers, or in other capacities, while during their days, they process, audit, and rule upon the tax returns of citizens who trust the integrity, fairness, and impartiality of the tax system. We cannot risk sacrificing this agency's integrity or the public's confidence in it. Furthermore, the sole factors for advancement within the IRS should continue to be only merit, efficiency, and public service.

JUSTICE DEPARTMENT AND THE CIA

For many of the same reasons cited above, employees of both the Justice Department and the Central Intelligence Agency should remain under existing restraints on active partisan political involvement. It is unlikely that Justice Department employees who become actively associated with partisan political campaigns would continue to be viewed by the public as impartial and objective enforcers of our criminal code. The ready access to confidential files by even the lowest ranking clerks and typists could seriously endanger the integrity of both our political system and the Justice Department. Even more important, the Federal Bureau of Investigation—which is within the Department—would also continue to be restrained from overt partisan activities. Like their counterparts in the Central Intelligence Agency, FBI agents who investigate alleged illegal activities could simultaneously work for candidates for political office in campaigns that could benefit from the knowledge turned up in those investigations.

In June of last year, the Acting Assistant Attorney General at the Justice Department expressed the Department's "strong opposition" to legislation which would no longer require FBI personnel to abstain from active political involvement. "The Department of Justice feels it to be essential to the future success of the FBI that it continue to maintain the public image of complete detachment from political affairs," according to that official.

It is by no means less important that those involved in the protection of our Nation's security on the international scene be set apart from partisan politics. CIA employees, like those of the Justice Department, must uphold both the image and substance of an objective security agency.

It is in the interests of both the public and the Federal service that employees of these particular agencies should be excluded from the provisions of legislation permitting active participation by Federal employees in partisan political activity.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from Mr. Donald C. Alexander, Commissioner of Internal Revenue Service, and Mr. A. Mitchell McConnell, Jr., Acting Assistant Attorney General, with reference to their opposition to H.R. 8617, as expressed in the House Committee report on H.R. 8617.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, D.C., May 13, 1975.

Hon. DAVID N. HENDERSON,
Chairman, House Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

DEAR CHAIRMAN HENDERSON: I understand that Congressman Clay is now conducting a series of hearings by his subcommittee on H.R. 3000, a bill to revise the present Hatch Act, which restricts political activity of government employees. While I was not invited to testify on this legislation, I have read the bill, and testimony about it, including a strong statement in opposition by Chairman Hampton of the Civil Service Commission. It seems to me that if H.R. 3000 passes in its present form, it would damage the appearance of non-partisan objectivity in the conduct of Federal tax administration, which I believe is essential to maintaining public confidence in the Internal Revenue Service.

The Service's top manager in the North-Atlantic Region, Regional Commissioner Elliott Gray, recently testified on the bill before Congressman Clay in New York City. Mr. Gray was appearing in his private capacity as a concerned citizen and life-time civil servant, rather than as a representative of the Administration. I am attaching a copy of his statement, which I believe is an excellent expression of the problems we in Internal Revenue see in H.R. 3000.

The Civil Service Commission has a fine booklet, on the "Do's" and "Dont's" for employee political activity, under the present Hatch Act. The trouble is that too many Federal employees are not familiar with these rules, and they lean over backward and avoid even permissible political activities. It would be helpful if the present specific restrictions, the "Do's" and "Dont's", were spelled out clearly in the law itself, rather than being inferred from a body of Civil Service Commission and court decisions on a vaguely-worded statute.

I also would like to see provision for a positive education program for government employees, on what they can and can't do in political matters. Perhaps this could be jointly undertaken by the Civil Service Commission, agency training officials, and the unions, with materials and training aids provided by government funds. I would also like to see authorization for a flexible range of penalties and corrective actions, administered in accordance with the circumstances of particular cases of infringement on the rules.

What I definitely would not like to see, however, and certainly not in the Internal Revenue Service, is a return to the bad old days when officials and employees whose actions and decisions affect individual members of the public, are themselves candidates for political office while serving in government jobs, or actively campaign for partisan candidates, under party sponsorship. It strikes me as improper for a revenue agent or revenue officer to go out soliciting the public for votes either for himself, as a party candidate, or for a political nominee of a party. That is what H.R. 3000 would allow, and I hope such provisions are deleted before the bill moves further toward enactment.

With kind regards,
Sincerely,

DONALD C. ALEXANDER.

Hon. DAVID N. HENDERSON,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your reqeust for the views of the Department of Justice on H.R. 3000, a bill "To restore to Federal civilian employees their rights to participate, as private citizens, in the political life of the Nation, to protect Federal civilian employees from improper political solicitations, and for other purposes."

The chief purpose of H.R. 3000 is to amend the Hatch Act, particularly 5 U.S.C. 7324(a), so as to permit Federal civilian and Postal Service employees to take an active part in political management or in political campaigns in their roles as private citizens and without involving their official authority or influence. Sec. 3(a). Since this provision goes to the heart of the bill, we confine our comments to it.

The phrase "active part in political management or in political campaigns" would be broadly defined (see proposed section 7324(c)), so as to permit participation by Federal employees in political activities such as the following: "Candidacy for service as a delegate in political convention; participation in the deliberations of any primary meeting, mass convention or caucus, addressing the meeting or otherwise taking a prominent part; preparing for, organizing or conducting a political meeting or rally on any partisan political matter; membership in political clubs and organizing of such a club; distributing campaign literature, badges and buttons; publishing or having editorial or managerial connection with partisan political publications; organizing a political parade; initiating and circulating nominating petitions for a partisan candidate, including canvassing for signatures; candidacy for any public office—national, state or at any other local level."

For the purpose of this section, the Hatch Act amendment would also apply to employees of the United States Postal Service. Proposed sec. 7324(d). There is no exemption for components of agencies, such as the Federal Bureau of Investigation of the Department of Justice.

In *U.S. Civil Service Commission* v. *National Association of Letter Carriers*, 413 U.S. 548 (1973), the Supreme Court recently sustained the constitutionality of 5 U.S.C. 7324(a)(2), which prohibits federal employees from taking an active part in political management or in political campaigns. The Court held that Congress had the power to prevent federal employees from holding a party office; working at the polls; organizing a political party or club; actively participating in fund-raising for a partisan candidate or political party; initiating a partisan nominating petition, soliciting votes for a partisan candidate for public office; or serving as a delegate to a political party convention—in sum, that Congress had authority to regulate various activities (such as H.R. 3000 would expressly permit), and that such regulation is not barred either by the First Amendment or any other provision of the Constitution. 413 U.S. at 556. In overruling these constitutional objections, the Court said (413 U.S. at 564–565):

"It seems fundamental in the first place that employees in the Executive Branch of the Government, or those working for any of its agencies, should administer the law in